

Remarks

No claims have been amended. Claims 1-14, 17, 19-24, 33, and 34 were previously canceled. Claims 15, 16, 18, 25-32 remain pending in the application.

35 U.S.C. §112

The Examiner rejected claims 15-16, 18, 25-32 under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. The timing and substance of this rejection is odd. In particular, the claim language now raised as a concern was actually suggested by the Examiner in a telephone interview on April 29, 2008 and this language was incorporated into claim amendments introduced in a response filed on May 6, 2008. At that time, the Applicant identified support for these amendments in the specification. If the Examiner had a concern about whether the written description requirement had been satisfied by the Applicant, it should have been raised last year and several office actions ago. The Examiner is respectfully reminded that patent office procedure guidelines do not condone piecemeal examination with the raising of new issues so late in the patent examination process.

Nevertheless, a description of the parsing functionality as claimed in lines 2-4 of claim 15 is found in paragraphs [0036] through [0055] where a first routine parses a DICOM Part 10 file (paragraph [0039]) to identify patient identification information from the DICOM datasets (paragraph [0040]) and study identification (paragraph [0041]) with text files "timestamp.bsv" and "study.sdc" containing this information being created (paragraphs [0043] through [0055]). In addition, a description of the job creation functionality as claimed in lines 8-11 of claim 15 is found in paragraphs [0057] through [0058]. In view of the foregoing, the Applicant respectfully requests reconsideration and withdrawal of this rejection of the pending claims under the first second paragraph of 35 U.S.C. 112.

35 U.S.C. §102

Claims 15-16, 18, 25-26, and 29-32 were rejected under 35 USC 102(e) as being anticipated by US Patent No. 7,302,164 to Wright et al. (Wright '164). This rejection

contains at least one clearly erroneous assumption with respect to the meaning of the phrase "receiving medical data through a software module and parsing patient identification information and study information from the received medical data". In particular on page 3 in the lower part of the page of the last office action, the Examiner appears to equate selecting patient information from a list of patients. Such an interpretation of the meaning of the term "parsing" is completely contrary to that which is taught by the Applicant and that which is commonly understood by those of ordinary skill in the computer science art would understand this term to mean. In the computer science arts, this term has a special and specific meaning. For example, in the attached Exhibit A, the American Heritage Dictionary provides several definitions for this term "parsing", but gives a specific one for computer sciences, namely:

To analyze or separate (input, for example) into more easily processed components.

Similarly, as explained above, the Applicant in claim 15 is claiming a feature of analyzing or separating a received DICOM Part 10 file into more easily processes components (i.e., parsing at least patient information and study information from the received DICOM file). Thus, the Examiner's assertion that "selecting" is equivalent to "parsing" is simply erroneously and should be withdrawn. Therefore, the parsing feature that separates such information from a received DICOM file is not fairly taught by Wright '164.

As explained in the prior response, Wright '164 was filed on January 17, 2001 which is two weeks later than the instant application's filing date of January 2, 2001. As such with the later filing date, the Wright '164 patent is not actually prior art under 35 USC 102(e) or 35 USC 103(a) and any rejection of the pending claims based on this reference must be withdrawn. While, the Wright '164 patent claims priority to a provisional patent application having Application No. 60/181,985 which was filed on Feb. 11, 2000 (Wright '185), this provisional patent application fails to disclose the teachings now identified by the Examiner as being taught by Wright '164. The Examiner noted this discrepancy at page 22 of the June 2009 office action and attempted to locate support for these presently claimed features in the Wright '185 provisional patent

application. As earlier noted, the Examiner appears to be focused on equating parsing from a received file with selecting information from a list. Such an equivalence is simply erroneously and much be withdrawn by the Examiner.

Thus, the provisional patent application Wright '185 patent application fails to disclose several of the features relied upon by the Examiner in rejecting the presently pending claims. In particular, while the Wright '185 patent application appears to contain a description of some other concept identified as a "DatCard" personal medical records card that is a credit card sized CD containing a patient medical record data, insurance information and a power of attorney. As well as a "CopyDat" application that is intended to imbed medical images on a credit card size CD in DICOM format along with a DICOM image viewer. However, the Wright '185 application does not even mention several features of the present invention as claimed in independent claim 15. In particular, the Wright '185 application does not teach or describe at least the parsing patient identification information and study information from the received medical data and later creating a job file containing that stored parsed patient identification information and the stored parsed study information.

Thus, even if Wright '164 is entitled to claim the priority date of the related Wright '185 provisional application for something, that something is not the parsing feature claimed in the instant claim 15 as described above. Therefore, the Wright '164 patent is not actually prior art under 35 USC 102(e) or 35 USC 103(a) and any rejection of the pending claims based on this reference must be withdrawn.

Claims 16, 18 and 25-32 depend from claim 15 and therefore are allowable over Wright '164 for the same reasons that claim 15 is allowable. Therefore, Wright '164 fails to teach the present invention as claimed in claims 15, 16, 18 and 25-32 and withdrawal of these rejections under 35 USC 102(e) is respectfully requested.

35 U.S.C. §103

Claims 27-28 were rejected under 35 USC 103(a) as being unpatentable over Wright '164 in view of U.S. Patent No. 5,717,841 by Farrell et al. (Farrell '841). Like the Wright

'164 reference as described above, the Farrell '841 reference does not teach or suggest at least some features now claimed in independent claim 15. In particular, both Farrell '841 and Wright '164 references do not teach or describe at least the following:

1. Parsing patient identification information and study information from the received medical data;
2. Noting the end of the received medical data through the software module for each patient; and
3. Creating a job containing a print file for an autoloader control software where the print file includes the stored parsed patient identification information and the stored parsed study information.

Furthermore, claims 27 and 28 depend from claim 15 and therefore are allowable over the Wright '164 in combination with Farrell et al. for the same reasons that claim 15 is allowable. Therefore, Wright '164 alone or in combination with Farrell '841 fails to teach the present invention as claimed in claims 27 and 28 and withdrawal of these rejections under 35 USC 35 USC 103(a) is respectfully requested.

Claims 15, 16, 18, 26 and 29-32 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,724,582 by Pelanek et al. (Pelanek) in view of combinations with: U.S. Patent No. 5,518,325 by Kahle (Kahle), U.S. Patent No. 5,721,891 by Murray et al. (Murray), and Wright '164. This rejection is roughly the same as that previously proffered multiple times by the Examiner over the past several years with the exception that the Wright '641 reference has been added into the combination mix. For the sake of brevity that remarks previously presented by the Applicant are not repeated below, but are incorporated herein by reference as still equally valid in view of the latest combinations with the same references.

As previously stated, Applicant respectfully disagrees with the Examiner's characterization in Pelanek of a file directory on a CD as being equivalent to recording medical data viewing software on the disc. As previously explained, claim 15 describes

recording on the disc both medical data and medical data image viewing software. As previously acknowledged by the Examiner this feature is not taught or suggested by Pelanek. Now though the Examiner has changed positions and has asserted that viewing a file directory is equivalent. Such a position is simply absurd, the viewing of images with specialized viewing software is far difference that viewing a textual display of a list of files on a disc. This argument should be withdrawn by the Examiner.

The Examiner has also emphasized a passage at column 5, lines 42-45 within Pelanek that indicates a user enters a patient name and ID number in to the archive station if this information cannot be supplied via the XEM motion image source interface. This passage in Pelanek has been used by the Examiner as teaching the parsing feature now claimed by the Applicant. As noted above, parsing has a specialized meaning in computer science. The Applicant in claim 15 is claiming a feature of analyzing or separating a received DICOM Part 10 file into more easily processes components (i.e., parsing at least patient information and study information from the received DICOM file). This passage in Pelanek does not teach or describe any form of parsing being done whatsoever to any file. Thus, Pelanek does not teach "parsing patient identification information and study information from the received medical data" as now claimed in claim 15. Therefore, this argument should be withdrawn by the Examiner.

The addition of the Wright '164 reference to this combination of references still does not teach or describe all of the features of the invention as claimed in claim 15. For example, like Pelanek, Wright '164 does not teach the parsing feature now claimed for the reasons described above.

Claims 16, 18, 26, and 29-32 depend from claim 15 and therefore are allowable over the Pelanek, Kahle, Murray, and Wright '164 for the same reasons that claim 15 is allowable.

In summary, the Pelanek, Kahle, Murray, and Wright '164 fail to teach at least one feature described in pending independent claim 15. This feature is the printing of a template with parsed information to label the disc where the parsed information is patient identification information and study information parsed from received medical

data. Therefore, under 35 USC 103(a), the Pelanek, Kahle, Murray, and Wright '164, alone or in combination with one another, fail to teach the present invention as claimed in claims 15, 16, 18, 26, and 29-32 and withdrawal of this rejection is respectfully requested.

Claims 27-28 stand rejected under 35 USC 103(a) as being unpatentable over Pelanek, in view of combinations with: Kahle, Murray, Wright '164, and U.S. Patent No. 5,717,841 by Farrell et al. (Farrell). This rejection is roughly the same as that previously proffered multiple times by the Examiner over the past several years with the exception that the Wright '164 reference has been added into the combination mix. For the sake of brevity that remarks previously presented by the Applicant are not repeated below, but are incorporated herein by reference as still equally valid in view of the latest combinations with the same references. Farrell, like Pelanek, Kahle, Murray, and Wright '164, does not teach or suggest at least the features described above in independent claim 15 and dependent claim 26. Claims 27-28 are dependent on claims 15 and 26 and therefore are allowable over the Farrell for the same reasons that claims 15 and 26 are allowable.

Claim 25 stands rejected under 35 USC 103(a) as being unpatentable over Pelanek, in view of combinations with: Kahle, Murray, Wright '164, and further in view of U.S. Patent No. 5,721,891 by Koritzinsky et al. (Koritzinsky). This rejection is roughly the same as that previously proffered multiple times by the Examiner over the past several years with the exception that the Wright '164 reference has been added into the combination mix. For the sake of brevity that remarks previously presented by the Applicant are not repeated below, but are incorporated herein by reference as still equally valid in view of the latest combinations with the same references. Koritzinsky, like Pelanek, Kahle, Murray, and Wright '164, does not teach or suggest at least the features described above in independent claim 15. Claim 25 is dependent on claim 15 and therefore is allowable over the Koritzinsky for the same reasons that claim 15 is allowable.

Based on the foregoing, the rejections of claims 15-16, 18, and 25-32 as being obvious under 35 USC 103(a) over Pelanek in view of combinations with: Kahle, Murray, Wright '164, Farrell, and/or Koritzinsky contains at least one flaw in not teaching the parsing feature now claimed and withdrawal of these rejections is respectfully requested.

Conclusion

On the basis of the foregoing, Applicant respectfully submits that claims 15, 16, 18, 25-32 are now believed to be in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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